

EO-1562-02

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**



FILED
In the office of the Secretary of State
of the State of California

SEP 30 2002

BILL JONES, Secretary of State
By *[Signature]*
Deputy Secretary of State

**EXECUTIVE ORDER D-62-02
by the
Governor of the State of California**

WHEREAS, the Federal Nuclear Regulatory Commission has determined that residual radioactive material below twenty-five millirems poses no significant risk to public health; and

WHEREAS, no other state or the federal government monitors the disposal of residual radioactive materials once a site is decommissioned and released for unrestricted use; and

WHEREAS, the Department of Health Services (Department) licenses medical, commercial, educational and other facilities that use radioactive materials in California; and

WHEREAS, there are currently no California regulations governing the disposal of "decommissioned materials," which are materials with low residual levels of radioactivity that, upon decommissioning of a licensed site, may presently be released with no restrictions upon their use; and

WHEREAS, regulations promulgated by the Department to set standards for decommissioning licensed sites have been enjoined by the court and remain the subject of pending litigation; and

WHEREAS, in responding to the court's order the Department will promulgate regulations only after conducting a review pursuant to the California Environmental Quality Act, including assessment of the public health and environmental safety risks and the threat to California's ground and drinking water associated with disposal of decommissioned materials; and

WHEREAS, pending the Department's assessment and promulgation of new regulations, the potential for inappropriate disposal of decommissioned materials poses a threat to ground and drinking water warranting immediate action; and

WHEREAS, it is necessary to impose a moratorium on the disposal of decommissioned materials to Class III landfills and unclassified waste management units pending the Department's assessment and adoption of regulations; and

WHEREAS, the State Water Resources Control Board and the Regional Water Quality Control Boards (Water Boards) have primary responsibility for protecting the state's water quality; and

WHEREAS, the Water Boards have authority under existing law to impose a moratorium on disposal of such materials at landfills pending the Department's assessment and adoption of regulations; and

WHEREAS, legislation imposing a blanket prohibition halting disposal of all decommissioned materials is premature until the Department assesses the public health and environmental safety risks of existing practices and alternatives for disposing of these materials, and such legislation may impose overly burdensome requirements limiting the ability of licensed facilities to appropriately decommission sites.

NOW, THEREFORE, I, GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby issue this order to become effective immediately:

IT IS ORDERED that the Department shall adopt regulations establishing dose standards for the decommissioning of radioactive materials by its licensees.

IT IS FURTHER ORDERED that in adopting such regulations, the Department shall assess the public health and environmental safety risks associated with the disposal of decommissioned materials, and shall comply with all applicable laws, including the California Environmental Quality Act.

IT IS FURTHER ORDERED that the Water Boards shall, as soon as possible, take all steps necessary to impose a moratorium on the disposal of decommissioned materials into Class III landfills and unclassified waste management units, as described in title 27, sections 20260 and 20230, of the California Code of Regulations. Specifically,

- the State Water Resources Control Board shall prepare a model Cleanup and Abatement Order imposing the moratorium, and shall transmit that model to all Regional Water Quality Control Boards for their consideration in adopting of Cleanup and Abatement Orders for each region of the state; and

- the State Water Resources Control Board shall adopt statewide waste discharge requirements imposing this moratorium that are applicable to Class III landfills and unclassified waste management units throughout the state.

IT IS FURTHER ORDERED that the Water Boards shall comply with all applicable laws in adopting the moratorium.

IT IS FURTHER ORDERED that the Water Boards' moratorium shall remain in effect until the Department completes its assessment of the public health and environmental safety risks associated with the disposal of decommissioned materials and its regulations setting dose standards for decommissioning take effect.

I FURTHER DIRECT that as soon as hereafter possible, this order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this the 30th day of September 2002.



Gray Davis

Governor of California

ATTEST:

Bill Jones

Secretary of State